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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,627	11/28/2001	Stephane Bouet	442-010716-US(PAR)	5315
2512	7590	10/06/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			QURESHI, AFSAR M	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/996,627	Applicant(s) BOUET ET AL.	
	Examiner Afsar M. Qureshi	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-17,20,21,26-29,31-40 and 42-44 is/are rejected.
- 7) ☒ Claim(s) 7,18,19,22-25,30 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/28/01, 2/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 37-41 are objected to because of the following minor informalities:
Acronyms such as, IE, SE, FC, CAL, used in the claims should be accompanied with explanations, e.g., "Payload (PL)" or "Access Code (AC)", at least once, in a claim and dependent claims thereon. Appropriate correction is required.
2. A typographical error in claim 27, "A commOunication..." should be corrected accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1- 6, 8, 9, 20, 21, 26 – 29, 31-32, 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Leon (US 6,680,923).

Claims 1-4, 20, 21, 26-29 and 42-44. Leon discloses wireless communication system including the provisioning of short range transceiver assembly using ad-hock network such as Bluetooth, utilizing Bluetooth chip for communication, and having different base addresses. The device is structured to operate in two independent frequencies different from each other dependent upon predetermined parameters and unique identifiers or codes (Abstract).

Leon further discloses transceiver 19 (figure 1) connected to plurality of network, e.g., PC 20 (access point) and a second short range transceiver 21. Wherein the transceiver 19 establishes connection related information, transfer information containing identifier, and second transceiver 21 transmits user data with the user terminal over an established vicinity range (see col. 5, lines 41-53, also col. 6, lines 24-46).

Claims 5 and 6. First and second communication links are established between the first transceiver 19 and PC 20 (user terminal) and PC 20 to second transceiver 20 (see figure 1). As discussed earlier the connection is established based on predetermined parameters such as inquiries (see col. 6, lines 34-42).

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Claims 8, 9, 31, 32. As can be seen from figure 1, Internet Service provider Servers are functionally considered to be content provider wherein contents are transferred, via access provider (Internet) to the user terminal 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-17 and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon in view of Haartsen (US 6,574,266).

As discussed above, Leon uses plurality of transceivers communicating over more than one channel. Leon also uses short range RF communication according to the Bluetooth technology (see col. 2, lines 35-37), wherein user terminal is one of a mobile phone communicating over a cellular network (figure 1) and dynamically controlling the access communication and data communication via transceivers, however, Leon does not specifically disclose content of the information used by the first transceiver in order to establish a connection. Haartsen discloses a similar system in which the information relating to the establishment of a connection comprises addresses of the user terminal and clock adjustment adding negative or positive offset to system clock implemented by controller and transceiver (figure 4) (see col. 11 lines 1-10).

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It would have been obvious to one of skill in the art, at the time of invention, to utilize terminal-to-terminal connection setup as disclosed by Haartsen and modify Leon by setting up system clock offset between the access point and user terminal based on information obtained by the transceivers in order to achieve better synchronization between the system clock and the base station clocks for a direct communication session.

Allowable Subject Matter

5. Claims 7, 18, 19, 22-25, 30 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Hill et al. (US 6,470,189); Vij et al (US 2002/0196771); Carter et al. (US 2004/0170154; Meng (US 6,697,375); Pinard (US 5,815,811), and Meier (US 6,400,702).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AFSAR QURESHI
PRIMARY EXAMINER

September 27, 2005